
SUBSTITUTE HOUSE BILL 2695

State of Washington 59th Legislature 2006 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Haigh, Sump and McDermott)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to absentee or provisional ballot notice
2 requirements; and amending RCW 29A.60.165.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read
5 as follows:

6 (1) If the voter neglects to sign the outside envelope of an
7 absentee or provisional ballot, the auditor shall notify the voter by
8 ~~((telephone))~~ first class mail and advise the voter of the correct
9 procedures for completing the unsigned affidavit. ~~((If the auditor is
10 not able to provide the information personally to the voter by
11 telephone, then the voter must be contacted by first class mail and
12 advised of the correct procedures for completing the unsigned
13 affidavit. Leaving a voice mail message for the voter is not to be
14 considered as personally contacting the voter.))~~ If the absentee
15 ballot is received within three business days of the final meeting of
16 the canvassing board, then the auditor shall also attempt to notify the
17 voter by telephone, using the voter registration record information.
18 In order for the ballot to be counted, the voter must either:

1 (a) Appear in person and sign the envelope no later than the day
2 before the certification of the primary or election; or

3 (b) Sign a copy of the envelope provided by the auditor, and return
4 it to the auditor no later than the day before the certification of the
5 primary or election.

6 (2)(a) If the handwriting of the signature on an absentee or
7 provisional ballot envelope is not the same as the handwriting of the
8 signature on the registration file, the auditor shall notify the voter
9 by ~~((telephone))~~ first class mail and advise the voter of the correct
10 procedures for updating his or her signature on the voter registration
11 file. ~~((If the auditor is not able to provide the information
12 personally to the voter by telephone, then the voter must be contacted
13 by first class mail and advised of the correct procedures for
14 completing the unsigned affidavit. Leaving a voice mail message for
15 the voter is not to be considered as personally contacting the voter.))~~
16 If the absentee ballot is received within three business days of the
17 final meeting of the canvassing board, then the auditor shall also
18 attempt to notify the voter by telephone, using the voter registration
19 record information. In order for the ballot to be counted, the voter
20 must either:

21 (i) Appear in person and sign a new registration form no later than
22 the day before the certification of the primary or election; or

23 (ii) Sign a copy of the affidavit provided by the auditor and
24 return it to the auditor no later than the day before the certification
25 of the primary or election. If the signature on the copy of the
26 affidavit does not match the signature on file, the voter must appear
27 in person and sign a new registration form no later than the day before
28 the certification of the primary or election in order for the ballot to
29 be counted.

30 (b) If the signature on an absentee or provisional ballot envelope
31 is not the same as the signature on the registration file because the
32 name is different, the ballot may be counted as long as the handwriting
33 is clearly the same. The auditor shall send the voter a change-of-name
34 form under RCW 29A.08.440 and direct the voter to complete the form.

35 (c) If the signature on an absentee or provisional ballot envelope
36 is not the same as the signature on the registration file because the
37 voter used initials or a common nickname, the ballot may be counted as
38 long as the surname and handwriting are clearly the same.

1 (3) A voter may not cure a missing or mismatched signature for
2 purposes of counting the ballot in a recount.

3 (4) A record must be kept of all ballots with missing and
4 mismatched signatures. The record must contain the date on which the
5 voter was contacted or the notice was mailed, as well as the date on
6 which the voter signed the envelope, a copy of the envelope, a new
7 registration form, or a change-of-name form. That record is a public
8 record under chapter 42.17 RCW and may be disclosed to interested
9 parties on written request.

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